

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

United States District Court  
Southern District of Texas  
ENTERED

JAN 18 2011

David J. Bradley, Clerk of Court

DAVID RODRIGUEZ,  
Plaintiff,

VS.

WARDEN PEREZ, ET. AL.,  
Defendants

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CIVIL ACTION NO. B-09-255

**ORDER**

This Court having considered the Report and Recommendation of the United States Magistrate Judge and having received no objections to same, hereby adopts the report. In doing so, this Court notes that service by Certified Mail was attempted on Rodriguez and he has refused to accept same.

Therefore the Report and Recommendation is adopted. Defendants Olivarez, Hernandez, and Alvarez are dismissed without prejudice. Defendant Dr. Steven Mercado is dismissed with prejudice.

Signed this 18<sup>th</sup> day of January 2011.



Andrew S. Hanen  
United States District Judge